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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Wolfgang LUDWIG

Patent App. 09/808,398

Filed 14 March 2001

Conf. No. 3668

For METHOD OF AND APPARATUS FOR THE PROCESSING OF MEAT

Art Unit 1761

Examiner Becker, D

Hon. Commissioner of Patents
Washington, DC 20231

RESPONSE TO REQUIREMENT FOR RESTRICTION

This is in response to the Office Action (paper-7) mailed 21 February 2003.

REMARKS:

Pursuant to the requirement for restriction, applicant hereby provisionally elects the invention classified in Group II to which claims 11-20 are directed.


The restriction requirement is respectfully traversed. The claims of Group I and Group II are related as method and apparatus.

The Examiner has asserted that restriction is proper because the apparatus of Group II can be used as claimed to practice another materially different process which need not be limited to meat or even food. However, that does not consider the terms of claim 1 or the remaining apparatus claims. In considering the apparatus, it is not the structure in gross which is significant, but rather the structure as claimed and, as claimed the apparatus is an apparatus for processing meat which comprises a vessel for

receiving bodies of meat and in adjusting bodies of meat to distribute the treating liquid in the meat. As a consequence the structure is directed to a heating and cooling of meat and, as a consequence, the apparatus as claimed cannot be used to practice another process or a materially different process from that of the method of claim 1.

Accordingly, the restriction requirement is misplaced and an action should be given on the merits of all of the claims in the case. Favorable action is awaited.

Respectfully submitted,
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